

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICKY LAND #QP4598
Full Name of Plaintiff Inmate Number

v.

C. BANKS
Name of Defendant 1

Name of Defendant 2

Name of Defendant 3

Name of Defendant 4

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No. 1:24-CV-1257
(to be filled in by the Clerk's Office)

☒ Demand for Jury Trial
☐ No Jury Trial Demand

FILED
HARRISBURG, PA

DEC 18 2024

PER JBK
DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ____ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ____ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Ricky Land

Name (Last, First, MI)

QP4598

Inmate Number

SCI-Dallas

Place of Confinement

1000 Follies Road

Address

Dallas, P.A. 18612

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

 Pretrial detainee

 Civilly committed detainee

 Immigration detainee

 X Convicted and sentenced state prisoner

 Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Bank, C.

Name (Last, First)

Unit manager at SCI-HUNTINGDON

Current Job Title

1120 Pike Street

Current Work Address

Huntingdon, P.A. 16652

City, County, State, Zip Code

Defendant 2:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 3:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

SCI-Huntingdon, Unit CA, Cell 3/19, while Plaintiff was sleeping

B. On what date did the events giving rise to your claim(s) occur?

July 16th, 2023

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

1. Plaintiff, Ricky Land, is a Pennsylvania State inmate residing at State Correctional Institution (SCI) Dallas
2. Defendant, C. Banks, at the time of this incident was a unit manager for unit CA, at SCI-Huntingdon, 1100 Pike Street, Huntingdon, P.A. 16654.
3. At all times material hereto, the defendant was acting in his official capacity as unit manager for unit CA at SCI-Huntingdon.
4. As unit manager for Unit CA the defendant is responsible for inter alia, providing inmates with sound mattresses to sleep on.
5. The Plaintiff made the Defendant aware that his mattress was not sound to sleep on by submitting an inmate request form to the Defendant on or about June 5th, 2023, requesting a new mattress because the mattress left in the cell for him to use was old, flat, ripped and causing him pain in his back, neck and shoulders.
6. The Defendant disregarded ----- the Plaintiff's request so the plaintiff began complaining to other unit officers as well as medical personnel, all to no avail.

CONTINUATION OF STATEMENT OF FACT

7. Then on or about June 18th, 2023, the Plaintiff filed an inmate grievance and explained in the grievance that he had submitted a request to the unit manager (the Defendant) for a new mattress but never received an answer; that he needed a new mattress because the mattress he has is old, used, flat and ripped; that the condition of the mattress is literally destroying his body causing him extreme pain in his hips, shoulders, neck and back. See EXHIBIT A (Inmate Grievance).

8. On July 7th, 2023, the Defendant interviewed the Plaintiff regarding said grievance. During the interview it was acknowledged by the Defendant that Plaintiff's mattress was not sound to sleep on and causing the Plaintiff pain in his back, hips, neck and shoulders; and that he (the Defendant) was responsible for exchanging the mattress.

9. Indicative to his acknowledgement the Defendant made the Plaintiff a deal that if the Plaintiff withdraw the grievance then he (the Defendant) would get him (the Plaintiff) a new or close to new mattress in one (1) week from that very day.

10. The Plaintiff accepted the Defendant's deal and the terms of the deal was written down inside the grievance withdrawal form. The withdrawal form was then signed and dated by the Plaintiff, the Defendant and counselor A. Young. See EXHIBIT B (withdrawal form)

11. The Defendant did not deliver the mattress to the Plaintiff as stipulated in the withdrawal form.

12. On or about July 16th, 2023, the Plaintiff woke up with an excruciating pain in his neck from sleeping on the mattress he'd been complaining about and immediately signed up for sick-call.

13. The Plaintiff was called down to the medical unit on July 19,

2023, to address the pain in his neck. He described the detail of his neck injury to the nurse and informed her that the injury was caused by sleeping on a bad mattress. The nurse Prescribed the Plaintiff 10mg. of Baclofen 3x a day for the pain and told him to give it a week if the Baclofen did not help to then request for follow up treatment.

14. On the same day, July 19th, 2023, the Plaintiff filed another inmate grievance. In this grievance the Plaintiff explained that he woke up on or about July 16th, 2023, with extreme pain in his neck feeling like he tore or sprain something in it; that he could not turn his head too far to the left or too far to the right or bring his chin too far down to his chest without a sharp pain shooting through his neck; that the conditions of his mattress is old, used, worn out, flat and ripped; that he had once already filed a grievance about the mattress explaining that it was causing him pain and literally destroying his body; that he had requested a new mattress; that he had met with the defendant on July 7 2023, regarding that grievance and the Defendant agreed to exchange his mattress for a new or close to new mattress in one (1) week from that day; that he (Plaintiff) had agreed to sign off on the grievance under those terms; that had the Defendant exchanged the mattress the Plaintiff's neck injury would have been avoided; that he talked to physician assistant Jackie about getting a new mattress to no avail; that he filed a grievance to get a new mattress to no avail; that he talked to the Defendant to get a new mattress to no avail; that he wanted a new mattress and to be compensated for his injury. See EXHIBIT C (Inmate Grievance #1043504

15. The Plaintiff received the initial review response to grievance #1043504 on July 24th, 2023. It is acknowledged in said response that Plaintiff met with and received treatment by physician assistant G. Smith for his neck injury on July 19th, 2023. It is further acknowledged that prior to arriving at SCI-Huntingdon the Plaintiff had an M.R.I. which showed normal alignment.

See EXHIBIT D (Initial review response)

16. On July 26th, 2023, the Plaintiff submitted a sick-call slip to medical unit requesting to move on to the next step in his neck injury treatment because the Baclofen did not help his pain.

17. ON JULY 27th, 2023, the Plaintiff was seen by Dr. Delbianco regarding further treatment for his neck injury. Dr. Delbianco prescribed the Plaintiff Flexeral for pain and ordered an x-ray of his neck.

18. On July 28th, 2023, the Plaintiff received a new mattress.

19. On August 14th, 2023, the Plaintiff submitted a sick-call slip to medical requesting to see a special for his neck injury.

20. The Plaintiff was visited by physician assistant Smith on August 15th, 2023. P.A. Smith informed the Plaintiff that the results of his neck x-ray showed moderate degenerative narrowing and moderate degenerative formation in the C4-C5 and C5-C6 area of his neck and vertebrates spurs.

21. At a scheduled appointment with the physical therapist for his neck injury on August 30th, 2023, the Plaintiff's pain level would not allow him to perform the exercises instructed by the therapist. This caused the therapist to send the Plaintiff back to Dr. Delbianco with a recommendation for further analysis.

22. Subsequent to further analysis by Dr. Delbianco the Plaintiff had an M.R.I. done on his neck on March 20th, 2024, results consistent with the x-rays.

23. The Plaintiff is currently prescribed 600mg. of Gabapentin for his pain and is awaiting further treatment.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

The Defendant violated the Plaintiff's Eight Amendment (U.S. Const.) right to be free from cruel and unusual punishment, by acting with deliberate indifference (intentionally or recklessly) to the plaintiff's health and safety when he (Defendant) disregarded the plaintiff's request for a new mattress, breached the signed agreement stipulated to in the withdrawal form and waited in excess of over a week from the plaintiff's second grievance to deliver him a new mattress.

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

Plaintiff is suffering from moderate degenerative narrowing and moderate degenerative formation in the C4-C5 and C5-C6 area of his neck causing severe pain, lost of range when turning head, inability to sleep sufficiently, lost

VI. RELIEF of quality of life.

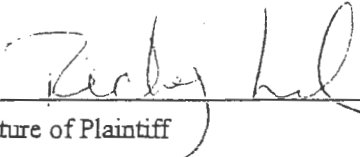
State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

Monetary compensation for pain and suffering and mental anguish and punitive damages.

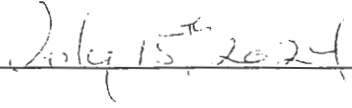
VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff



Date